

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION

REGARDING THE CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1

(BSC 01/15)**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. CBSC is proposing administrative regulations related to the 2016 California Administrative Code.

PUBLIC COMMENT PERIOD

(Government Code Section 11346.5(a)(15)(17))

A public hearing has not been scheduled; however, written comments will be accepted from September 11, 2015 until 5:00 P.M. on October 26, 2015. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

(Government Code Section 11346.5(a)(18)), (Government Code Section 11346.8(c))

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

(Government Code Section 11346.5(a)(2))

The California Building Standards Commission proposes to adopt these building standards under the authority granted in Government Code (GC) Sections 11000, 11346.1, 11346.5, 82019, 87306; and Health and Safety Code (HSC) Sections 18909, 18927, 18928, 18929, 18929.1, 18930, 18930.5, 18931, 18931(f), 18931.6, 18931.7, 18934, 18934.5, 19835, 18941.10, 18945, 18946 and 18949.6.

The purpose of these building standards is to implement, interpret, and make specific the provisions of GC Sections 11000, 11346.1, 11346.5, 82019 and 87306; and HSC Sections 18909 - 18949.

INFORMATIVE DIGEST

(Government Code Section 11346.5(a)(3))

Summary of Existing Laws:

Government Code 11000. Defines commissions and other referenced departments as “state agencies”.

Government Code 11346.1 Allows for regulations to be adopted on an emergency basis within defined parameters and holds that emergency building regulations be filed with CBSC and not with the Office of Administrative Law (OAL).

Government Code 11346.5 establishes requirements for public notices of proposed regulatory adoption, including economic impact statements, statements of potential impact on California businesses, effect on housing costs, and where and how to obtain copies of the proposed regulations.

Government Code 82019 defines a “designated employee” for the purposes of the Conflict of Interest Code.

Government Code 87306 requires that a state agency report to the Fair Political Practices Commission changes to its Conflict of Interest Code on a biennial basis.

Government Code 14617. Lighting for college campus parking lots and walkways; standards; adoption of regulations

Mandates that CBSC adopt and publish regulations for lighting for parking lots and primary campus walkways at the University of California, California State University, and California Community Colleges.

Health and Safety Code 18909 defines what is and what is not a building standard.

Health and Safety Code 18925 provides for CBSC to appoint an Executive Director with defined responsibilities.

Health and Safety Code 18927 permits CBSC to appoint advisory panels composed of volunteers from professions most likely to be knowledgeable in and affected by building standards, to advise CBSC.

Health and Safety Code 18929 through 18932 outline the duties of CBSC in its review of building standards proposed by state agencies; criteria to be used for acceptance; authority of CBSC to propose green building standards where no other agency has authority; procedural duties of CBSC; reimbursement by state agencies for review and development of building standards; establishment of a local fee on building permits to be used by CBSC and other agencies in the development and training of building standards, primarily green building standards; permission for CBSC to accept grants and gifts to perform its duties; and content of the code and authority of CBSC for its format.

Health and Safety Code 16600. Building seismic retrofit guidelines for state buildings; seismic retrofit building standards

Authorizes CBSC and the Division of the State Architect to develop building seismic retrofit guidelines for existing state buildings.

Health and Safety Code 16601. Approval of guidelines and standards; administrative actions

Provides that CBSC shall approve the standards and take administrative actions to make them applicable to all state buildings, including those owned by the University of California or the California State University.

Health and Safety Code 16603. Applicability of chapter to University of California

Allows that provisions of this chapter only apply to the University of California if so resolved by the Regents of the university.

Health and Safety Code 16604. Legislative intent

Provides funding to carry out the provisions of this chapter.

Health and Safety Code 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the International Building Code, and requires that state agencies propose the adoption within one year of publication of a model code.

Health and Safety Code 18928.1. Building Standards; incorporation of model codes, applicable national specifications or published standards; publication agreement

Sets forth that the commission shall incorporate text of the model code only by reference, unless otherwise established in a publication agreement between the commission and the model code organization.

Health and Safety Code 18929. Adoption of administrative regulations applying to implementation or enforcement of building standards; publication, certain Housing and Community Development Department regulations excepted.

(a) Except as otherwise provided in subdivision (b), administrative regulations adopted by state agencies that apply directly to the implementation or enforcement of building standards shall be forwarded to the California Building Standards Commission for approval. Each regulation shall be adopted in compliance with the procedures specified in Section 18930 and in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. These administrative regulations shall be published in the administrative part of the California Building Standards Code.

(b) This section shall not apply to any regulations adopted by the Department of Housing and Community Development that apply directly to the implementation or enforcement of building standards.

Health and Safety Code 18934.5. Standards for state buildings; adoption, approval, codification and publication

Authorizes CBSC to adopt and publish building standards applicable to state buildings, including state university buildings and, to the extent permitted by law, University of California buildings.

Health and Safety Code 18938. Filing and codification; publication; effective date; emergency standards; application of section

Sets forth that model codes as referenced in the California Building Standards Code shall apply to occupancies throughout the state and shall become effective 180 days after publication.

Health and Safety Code 18940.5 Reference green building standards

Mandates that state agencies proposing green building standards reference or reprint the green building standards in other relevant portions of Part 2, 2.5, 3, 4, 5, 6 of Title 24 of the California Code of Regulations.

Health and Safety Code 18941.10 Future electric vehicle infrastructure.

Mandates that the commission shall, adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development.

Health and Safety Code 18942 (b). Publication, supplements; emergency standards; availability and possession of code

Mandates that CBSC publish statutory safety requirements for the construction of private swimming pools.

Summary of Existing Regulations

The existing 2013 California Administrative Code (CAC) is Part 1 of CCR, Title 24 and was effective January 1, 2014. This code provides minimum building standards to safeguard public welfare for local jurisdictions within the state of California and for state owned buildings and buildings constructed by the University of California and California State Universities. It contains references to other codes, such as the fire code, mechanical code, and plumbing code that are adopted for use in California.

Summary of Effect

A thorough description of the amendment effects may be found in the *Initial Statement of Reasons*.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to the proposed action by CBSC.

Policy Statement Overview

Update of administrative requirements located in the California Administrative Code, Chapter 1, Article 1, 2, 4 & 5 for accuracy and clarity. New sections regarding administrative requirements addressing procedures for submittal of green building standards, and clarification of excess fees paid by local municipalities due to miscalculations are also being proposed for inclusion in the California Administrative Code, Part 1, Title 24, California Code of Regulations.

Evaluation of consistency

CBSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

(Government Code Section 11346.5(a)(4))

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Government Code Section 11346.5(a)(5))

CBSC does not have authority to impose building standards or regulations on schools districts. The proposed regulatory actions are administrative in nature and would not enact a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(Government Code Section 11346.5(a)(6)) An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399)

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

Estimate: Any additional expenditure resulting from this proposed action will be minimal and will be absorbed within the existing budget and resources.

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(Government Code Section 11346.5(a)(7)) If the agency makes an initial determination that the adoption/amendment/repeal of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The determination shall include the following:

The CBSC has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

(Government Code Section 11346.5(a)(8)) The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

CBSC has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts, or documents either supporting CBSC's initial determination or finding to the contrary.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

(Government Code Section 11346.3(d)). Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

CBSC has determined that no report is required for this regulation.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

(Government Code Section 11346.5(a)(9)) Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

(Government Code Section 11346.5(a)(10), Government Code Section 11346.3(b)(1))

CBSC has assessed whether or not and to what extent this proposal will affect the following:

- ☐ **The creation or elimination of jobs within the State of California;**
This regulation will not affect the creation or elimination of jobs within the State of California.
- ☐ **The creation of new businesses or the elimination of existing businesses within the State of California;**
This regulation will not affect the creation or elimination of existing businesses within the State of California.
- ☐ **The expansion of businesses currently doing business with the State of California;**
This regulation will not affect the expansion of businesses currently doing business with the State of California.
- ☐ **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment;**
These regulations will update and clarify minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

(Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs

CBSC has determined that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

(Government Code Section 11346.5(a)(13))

CBSC has determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons

than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

(Government Code Section 11346.5(a)(20)), (Government Code Section 11346.5(a)(19))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website, <http://www.bsc.ca.gov/>

Government Code Section 11346.5(a)(21) states that the California Building Standards Commission shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Cynthia Biedermann, Analyst
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959
Cynthia.Biedermann@dgs.ca.gov

Designated Back-Up Contact Person
Mia Marvelli, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959
Mia.Marvelli@dgs.ca.gov